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Interview Summary

The following summarizes telephone conversations on November 8 and 13, 2003 between Mr. Ronald Neerings, of record, and Mark R. Powell, Director Technology Center 2600.

Mr. Neerings telephoned and inquired as to the status of the above-identified application, and noted that an office action had issued following the Board of Patent Appeals and Interferences and Federal Circuit decisions in the case. He also noted that the examiner had not followed the Board's directive to address the deficiencies of the prior art rejection, as delineated by the Federal Circuit (to wit, the grammar creation processing capability recited in claims 11 and 14), but instead rejected the still-active claims in the case under 35 USC 112, second paragraph based upon the *Donaldson* decision and further under the first paragraph of 35 USC 112 for allegedly lacking enablement.

The undersigned had reviewed the entire record of this application, and concludes that the section 112 rejections are unfounded. As to the *Donaldson*-based rejection under 35 USC 112, second paragraph, while structure per se is not disclosed--this being primarily a software case--the acts for performing the recited functions clearly are. As to the enablement rejection, the undersigned agrees that the rejection is unconvincing, given the level of detail recited in the specification and particularly in view of the literature mentioned on the topic, for example the Wheatly article mentioned on page 8. Thus, it was agreed that the rejections should be withdrawn.

The case is being returned to the art unit for final consideration. Unless the Examiner has present knowledge of the existence of a particular reference(s) that provides clear and convincing evidence of the unpatentability of the claims at issue, the case shall be passed to issue.



Mark R. Powell
Director
Technology Center 2600